

R277-460 RECEIVED FINAL APPROVAL BY THE UTAH STATE BOARD OF EDUCATION ON AUGUST 5, 2011. THE AMENDED RULE IS SCHEDULED TO BE PUBLISHED IN THE SEPTEMBER 1, 2011 UTAH STATE BULLETIN, SUBJECT TO A 30-DAY COMMENT PERIOD, WITH A FIRST POSSIBLE EFFECTIVE DATE OF OCTOBER 10, 2011.

R277. Education, Administration.

R277-460. Distribution of Substance Abuse Prevention Account.

R277-460-1. Definitions.

A. "Board" means the Utah State Board of Education.

B. "Educational materials" means visual and auditory media, curricula, textbooks, and other disposable or non-disposable items that enhance student understanding of the subject matter.

C. "Evaluation" means a review by a person or group which assesses procedures, results and products specific to a program.

D. "Local Substance Abuse Authority" means the person or group designated by the Legislature as the county authority to receive public funds for substance abuse prevention and treatment.

E. "Prevention education" means proactive educational activities designed to eliminate any illegal use of controlled substances.

[G]F. "Superintendent" means the State Superintendent of Public Instruction.

[H]G. "USOE" means the Utah State Office of Education.

[F]H. "[~~Prevention guidelines~~]Utah Substance Abuse Prevention Guiding Principles" means criteria established by the Utah [~~Association of Substance Abuse Program Providers~~]Division of Substance Abuse and Mental Health to be used in selecting or developing [~~or both~~] substance abuse prevention materials.

R277-460-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution, Article X, Section 3 which vests general control and authority over public education in the Board, by Section 53A-13-102 which directs the Board to adopt rules providing for instruction on the harmful effects of controlled substances and by Section 51-9-405 which provides for funds from the Substance Abuse Prevention Account to be allocated to the USOE for:

(1) substance abuse prevention and education;

([1]2) [~~to provide for~~] substance abuse prevention training for teachers and administrators; and

([2]3) [~~to distribute to district and school programs for substance abuse prevention programs and instruction~~] school district, charter school or consortia programs to supplement, not supplant, existing local prevention efforts in cooperation with local substance abuse authorities.

B. The purpose of this rule is to provide for the distribution of the USOE's share of the Substance Abuse Prevention Account.

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R277-460-3. Fund Allocations.

A. The USOE shall retain sufficient funds to pay for the salary, benefits and indirect costs of a .5 FTE Program Administrator at a salary level to be determined by the Board.

B. The remaining funds shall be allocated as follows:

(1) An amount not to exceed fifteen percent shall remain at the USOE to purchase educational materials to support and supplement existing [USOE substance abuse prevention curricula]Utah's Substance Abuse Prevention Program, Prevention Dimensions.

(2) An amount not to exceed fifteen percent shall remain at the USOE to encourage and support statewide substance abuse prevention training for school district/charter school teachers and administrators.

(3) An amount not to exceed fifteen percent shall remain at the USOE to promote Utah's Substance Abuse Prevention Program and encourage its classroom use by Utah educators.

(4) A minimum of fifty-five percent shall be distributed to school districts, charter schools or consortia for use by the school district, individual schools, charter schools or consortia in a cooperative [~~drug~~]substance abuse prevention effort based on application.

R277-460-4. Applications.

A. Applications shall be provided by the USOE.

B. School [~~D~~]districts [~~-or~~], charter schools or consortia shall submit applications to the specialist designated by the USOE.

C. The USOE specialist shall make funding recommendations to the USOE Finance Committee as soon as reasonably possible after the application deadline.

D. Awards per school districts [~~-or~~], charter schools or consortia shall be based on funds available and specific funding amounts shall be provided in the USOE application.

E. Only applications for funding that propose projects or programs consistent with the Utah [~~Prevention Guidelines~~]Substance Abuse Prevention Guiding Principles shall be considered for funding.

(1) Applications shall address the following:

(a) the applicant's intention to collaborate with the local substance abuse authority and community groups within the school district, including shared plans and strategies for activities and intervention;

(b) the applicant's plan for professional development and teachers' use of Prevention Dimensions materials within their

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classrooms;

(c) the use of funds to implement applicant's plan;

(d) teacher reports of classroom implementation and plans for classroom monitoring visits;

(e) applicant's enhancement of Prevention Dimensions with additional substance abuse activities and strategies; and

(f) applicant's implementation of Prevention Dimensions with school-based behavioral/health or coordinated school health initiatives.

~~[F. Applicants shall demonstrate cooperation and collaboration with local substance abuse prevention authorities.]~~

[G]F. Projects receiving funding shall be notified of funding approval by the USOE Finance Committee.

R277-460-5. Limitations on Funds.

A. Funds shall be used by the USOE, school districts~~[and]~~, charter schools and consortia exclusively for purposes set forth in Section 51-9-405.

B. Transfer of funds between line items or the extension of project completion dates may be made only with prior written approval of the USOE~~[-Coordinator for Students at Risk or his designee]~~.

C. Funds received by school districts~~[-or]~~, charter schools or consortia shall not be used to supplant either currently available school district or charter school funds or funds available from other state or local sources.

R277-460-6. Evaluation and Reports.

A. An applicant that accepts a USOE Substance Abuse Prevention award shall provide the USOE with a year-end evaluation report before July 31 of the fiscal year in which the award was made.

B. The year-end report shall include:

(1) an expenditure report;

(2) a narrative description of activities funded; and

(3) copies of all products and materials developed with USOE Substance Abuse Prevention funds.

C. The USOE may require additional evaluation or audit procedures from an award recipient to demonstrate the use of funds consistent with the law and Board rules.

R277-460-7. Waivers.

The Superintendent may grant a written request for a waiver of a requirement~~[s]~~ or deadline which a school district, charter

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school or consortia finds unduly restrictive.

KEY: public schools, substance abuse prevention

Date of Enactment or Last Substantive Amendment: [~~1993~~]2011

Notice of Continuation: June 2, 2008

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-13-102; 51-9-405